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21 UNITED STATES DISTRICT COURT  
22 FOR THE CENTRAL DISTRICT OF CALIFORNIA

23 FRANCISCO CRUZ ALVAREZ,

24 Plaintiff,

25 v.

26 MARCO RUBIO, United States  
27 Secretary of State,

28 Defendant.

No. 5:24-cv-00918-CBM-SPx

**JOINT STIPULATED PROTECTIVE  
ORDER AND FED. R. EVID. 502(d)  
CLAWBACK ORDER**

Honorable Consuelo B. Marshall  
United States District Judge

During the pendency of discovery, the Parties anticipate the production of documents containing identifying information relating to Plaintiff, Francisco Cruz Alvarez, and third parties not participating in this lawsuit. This identifying information is contained within various agency records and databases, some of which are in the

1 possession, custody, and control of Defendant and his counsel. Defendant agrees to  
2 produce to Plaintiff unredacted records relating to Plaintiff, and (where appropriate and  
3 allowable by law) third parties, subject to entry of the following protective order, in  
4 accordance with the Privacy Act of 1974, 5 U.S.C. § 552a, to which the Parties have  
5 stipulated.

6 WHEREFORE, with the agreement of the Parties, the Court having determined that  
7 there is good cause for issuance of a protective order pursuant to Federal Rule of Civil  
8 Procedure 26(c), and a clawback order pursuant to Federal Rule of Evidence 502(d), to  
9 govern the disclosure, use, and handling by the Parties and their respective agents,  
10 successors, personal representatives and assignees,

11 IT IS HEREBY ORDERED that, in accordance with the terms of this Privacy Act  
12 Protective Order, pursuant to 5 U.S.C. § 552a(b)(11), Defendant is authorized to release  
13 to counsel for Plaintiff, and this Court, discovery containing unredacted identifying  
14 information of Plaintiff and third parties, without obtaining prior written consent of  
15 Plaintiff or third parties whose names, addresses, birth dates, and other identifying  
16 information may be present in such documents. Such disclosure is subject to the following  
17 conditions:

18 1. Definitions and Scope. “Protected Material” means any document,  
19 Electronically Stored Information (“ESI”) (including databases and metadata), tangible  
20 thing, deposition testimony or transcript, or other information that contains (a) records  
21 covered by the Privacy Act, 5 U.S.C. § 552a; (b) personal identifiers or other information  
22 from which an individual can be identified; or (c) information designated under this Order  
23 as “PROTECTED.” This Order governs Protected Material in any format and all copies,  
24 excerpts, summaries, or derivations thereof.

25 2. The Parties agree that the terms of this Protective Order will govern the  
26 entirety of any Protected Material, including but not limited to alien registration file, any  
27 law enforcement report, or other discovery that contains Privacy Act material, as well as  
28 any copies or summaries made thereof and any information derived therefrom, including

1 any materials that have been previously produced in discovery or will be produced through  
2 any further discovery taken in this case.

3 3. To the extent that any documents or records to be provided by the federal  
4 government contain third party names, addresses, birth dates, or any other identifying  
5 information (*i.e.*, information the use of which would allow identification of the person to  
6 whom the information relates), such information shall be deemed confidential (in the  
7 ordinary sense) and protected by this Protective Order. All such Privacy Act information  
8 is subject to this Protective Order and may be used solely for purposes of this litigation.

9 4. Designation. A producing party may designate Protected Material by marking  
10 the first page (or for ESI, the load-file field) with “COVERED BY PROTECTIVE  
11 ORDER” or the following label (or substantial equivalent) on them or any copies thereof,  
12 or any cover sheets thereon:

13 PROTECTED

14 THIS DOCUMENT IS SUBJECT TO A COURT ORDER IN *FRANCISCO*  
15 *CRUZ ALVAREZ v. MARCO RUBIO, UNITED STATES SECRETARY OF*  
16 *STATE, ET AL.* (5:24-cv-00918-CBM-SP). THIS  
17 DOCUMENT/VIDEO/DIGITAL RECORD AND ITS CONTENTS SHALL  
NOT BE USED, SHOWN, OR DISTRIBUTED EXCEPT AS PROVIDED  
IN THE PROTECTIVE ORDER.

18 Note: Inadvertent failure to designate does not waive protection; upon written notice, the  
19 receiving party must treat the material as Protected Material prospectively and make good-  
20 faith efforts to retrieve any prior non-compliant dissemination.

21 5. Protected information may be disclosed only to the following persons and  
22 only to the extent necessary for the prosecution of this action:

23 A. Counsel for Plaintiff, Plaintiff himself, counsel for Defendant,  
24 Defendant’s and/or his agents, and any support staff of such counsel  
25 assisting in this action;

26 B. The Court and its personnel;

27 C. Court reporters, translators, and other litigation support personnel;  
28

1 D. Individuals whose testimony is contemplated or actually taken in this  
2 action, but only to the extent necessary to elicit testimony concerning the  
3 subject matter of information or records produced subject to this  
4 Protective Order;

5 E. Expert witnesses or consultants retained by Plaintiff or Defendant;

6 F. The author of a given document or the original source of the information;  
7 and

8 G. Any Court of Appeals and its personnel, in the event of any appeal.

9 6. Plaintiff's Access to Third-Party Information. To the extent Protected  
10 Material contains third-party identifiers or Privacy Act information concerning persons  
11 other than Plaintiff, Plaintiff may review such material under counsel's supervision but  
12 shall not retain copies absent further Court order or the producing party's written consent.

13 7. Redactions permitted. Nothing in this Order precludes redaction of:  
14 (a) attorney work product, trial preparation material, or the attorney-client privilege;  
15 (b) deliberative process privilege; (c) the governmental privilege against disclosure of  
16 information which could threaten the lives and safety of governmental personnel and their  
17 families, interfere with open investigations or prosecutions, or reveal confidential law  
18 enforcement techniques or confidential sources; or (d) any other applicable privilege.  
19 Further, nothing in this Protective Order shall be deemed to preclude the parties from  
20 redacting from documents subject to this Order, where applicable, information relating to  
21 law enforcement deliberations and information about individuals not a party to this  
22 litigation and that are unrelated to the issues in this litigation.

23 8. Upon the signing of this Protective Order by the Court, redactions made by  
24 counsel, if any, to the documents marked "COVERED BY PROTECTIVE ORDER" will  
25 not be made for the purpose of protecting the privacy of third parties who may be identified  
26 in the discovered material. Plaintiff retains the right to file a motion to compel for any  
27 redacted information.

1           9. All persons listed above in paragraph 4(A) to whom identifying information  
2 is disclosed are hereby prohibited from disclosing to, or otherwise discussing with, any  
3 person other than those listed in above paragraphs 4(B)–(G), any confidential information,  
4 except as provided in this Protective Order.

5           10. All persons listed in above paragraphs 4(D) and 4(E), to whom identifying  
6 information is disclosed, shall first be required to read the terms of this Protective Order  
7 and sign a copy of the Acknowledgment of Protective Order form, attached hereto as  
8 Exhibit A, agreeing to be bound thereby. The signed Acknowledgment forms shall be  
9 maintained by counsel for Plaintiff or counsel for Defendant.

10           11. Any party seeking to file Protected Material shall comply with C.D. Cal. L.R.  
11 79-5. The party shall narrowly tailor sealing requests and use redactions where feasible.  
12 No document will be sealed solely by virtue of this Order.

13           12. To the extent that third party identifying information is discussed in the  
14 course of a deposition, such confidential information must be designated as such by so  
15 indicating on the record at the deposition, and the relevant portions of the deposition  
16 transcript shall be placed under seal, unless a release is obtained from the individual to  
17 whom the identifying information pertains, authorizing the disclosure of such information.

18           13. The parties shall confer in advance of hearings or trial regarding handling of  
19 Protected Material. If protection from public disclosure is sought, the party shall proceed  
20 under L.R. 79-5. Any public transcript shall be narrowly redacted consistent with the  
21 Court's ruling.

22           14. Subpoenas and Compelled Disclosure. If a receiving party receives a  
23 subpoena, court order, or other compulsory process seeking Protected Material, it shall  
24 promptly notify the producing party (and, where applicable, the United States) and shall  
25 not produce the material until the earlier of: (i) the producing party's consent; or (ii) a  
26 court order resolving any motion to quash or for protective relief.

27           15. Due to the highly sensitive nature of information regarding third parties that  
28 may be produced by Defendant, such protected documents or information shall not be used

1 to contact or attempt to contact third parties named in the documents for any purpose,  
2 absent the express authorization of the undersigned counsel.

3 16. Inadvertent Production and Clawback.

4 A. Clawback Under Fed. R. Evid. 502(d). Pursuant to Rule 502(d), the  
5 production of privileged or protected material—whether inadvertent or  
6 otherwise—shall not constitute a waiver of any privilege or protection in  
7 this or any other federal or state proceeding. Upon written notice, the  
8 receiving party shall immediately cease use, sequester, and within 5  
9 business days return or destroy the specified material and all derivatives,  
10 and certify compliance. The receiving party may challenge the privilege  
11 claim, but may not argue waiver based on the production.

12 B. The inadvertent or unintentional disclosure or production of any document  
13 or information (including but not limited to confidential information,  
14 privileged communications, or work product) shall not be deemed a  
15 waiver, in whole or in part, of any applicable privilege, doctrine, or  
16 protection, including but not limited to the attorney-client privilege, work  
17 product doctrine, deliberative process privilege, or any other legally  
18 recognized protection.

19 C. If a producing party discovers that it has inadvertently produced or  
20 disclosed information that is subject to a claim of privilege or protection,  
21 it shall promptly notify all receiving parties in writing and identify the  
22 material, the privilege or protection asserted, and the basis for the  
23 assertion.

24 D. Upon receiving such notice, the receiving party shall immediately cease  
25 any use or disclosure of the material, return or destroy all copies of the  
26 material, and take reasonable steps to retrieve it from any person to whom  
27 it was disclosed. The receiving party may then challenge the claim of  
28

1 privilege or protection by motion but shall not assert as a ground for  
2 compelling production the fact of prior disclosure.

3 E. The provisions of this section are entered pursuant to and shall be  
4 interpreted in accordance with Federal Rule of Evidence 502(d), and  
5 nothing herein shall be construed as limiting the scope of that rule.  
6 Accordingly, the Court hereby orders that the production of privileged or  
7 protected documents, ESI, or other materials in this action shall not  
8 constitute a waiver of any privilege or protection as to these or similar  
9 documents in this or any other federal or state proceeding.

10 17. Within thirty (30) days after final resolution (including appeals), each  
11 receiving party shall return or destroy all Protected Material and derivatives (including  
12 notes, summaries, and excerpts) and provide written certification. Counsel may retain one  
13 archival copy of pleadings, motions, transcripts, correspondence, and attorney work  
14 product that may contain Protected Material, which remains subject to this Order.

15 18. Use Limitation. Protected Material shall be used solely for purposes of this  
16 litigation and not for any other case, proceeding, administrative action, or FOIA/public-  
17 records request, absent Court order.

18 19. Nothing in this agreement shall be deemed to restrict in any manner the use  
19 by any party of its own documents or materials.

20 20. Nothing in this agreement shall affect the right of any party to seek additional  
21 protection against the disclosure of documents or materials.

22 21. Any party may apply to this Court at any time, upon proper notice, for a  
23 modification of this Protective Order with respect to the handling or designation of any  
24 document or for any other purpose.

25 22. This Protective Order shall be binding upon any present and future party to  
26 this litigation.

27 23. Lastly, this Protective Order shall be effective and enforceable upon its  
28 signature by counsel and by the Court.



**SO ORDERED.**

Dated: October 9, 2025



Sheri Pym  
United States Magistrate Judge

**SIGNATURE OF COUNSEL**

Dated: September 30, 2025

s/ Gary Finn

Gary Finn  
Counsel for Plaintiff

Dated: September 30, 2025

s/ Joseph McCarter

Joseph McCarter  
Counsel for Defendant



UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA

FRANCISCO CRUZ ALVAREZ,

Plaintiff,

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Secretary of State, et al.,

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**JOINT STIPULATED PROTECTIVE  
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Honorable Consuelo B. Marshall  
United States District Judge

EXHIBIT A

1. I, the undersigned, have read the Protective Order that has been entered in this case, and a copy of it has been given to me. I understand the provisions of the Protective Order, and agree to comply with and to be bound by its provisions. I also consent to the jurisdiction of this Court for purposes of enforcement of this Protective Order.

2. I declare under penalty of perjury that the foregoing is true and correct.

Executed this \_\_\_\_ day of \_\_\_\_\_ by \_\_\_\_\_.  
(Print Name)

Signed